

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SPECIAL OPERATIONS  
TECHNOLOGIES, INC.,  
a California corporation, and  
JAMES CRAGG,

Plaintiffs,

Civil No. 07-853-HA

v.

ORDER

SKEDCO, INC., an Oregon corporation,  
JOSEPH J. MARAK, and CARSTON  
"BUD" CALKIN,

Defendants.

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HAGGERTY, Chief Judge:

This action has several pending motions and discovery issues pending. One of the currently pending motions is by plaintiffs to file a Fourth Amended Complaint to add a new defendant, XMED Consultant Group, LLC ("XMED"), a Colorado limited liability company and the alter ego of Joseph J. Marak ("Marak"), the former government official who allegedly orchestrated the wrongdoing described in this action. Defendants Skedco, Inc. ("Skedco") and its principal, Carston "Bud" Calkin ("Calkin"), along with Marak, did not consent to this motion, and the motion was declared "held in abeyance pending resolution of other motions in the case." *See* Minute Order of February 19, 2008.

Since that date, the parties have filed the following additional substantive motions:

- \* Plaintiffs' Renewed Motion Challenging the Scope of Employment Certificate [44];
- \* Defendants' Motion for Summary Judgment [50];
- \* Defendant Marak's Motion to Dismiss [58];
- \* Plaintiffs' Motion to Stay Pending Motions and to Allow Limited Discovery [81].

Defendants Skedco and Calkin oppose the motion to allow additional discovery, arguing that plaintiffs did not meet their burden of demonstrating sufficient facts that show that the evidence sought exists and would preclude summary judgment. Dfts.' Opp. To Plf. Mo. To Stay at 2 (citing Fed. R. Civ. Pro. 56(f)).

Plaintiffs reply that this court should exercise its inherent powers to promote efficient use of judicial resources and to manage its docket by ordering all pending motions stayed and allowing additional, limited discovery to investigate the possibility of broader, more significant allegations related to the claims already asserted.

Upon examination of the parties' briefing and declarations pertaining to this motion, the court concludes that its interest in advancing judicial economy and efficiency compels granting plaintiffs' motion to stay pending motions and allowing additional discovery regarding the matters addressed by plaintiffs.

## **CONCLUSION**

Plaintiffs' Motion to Stay Pending Motions and to Allow Limited Discovery [81] IS GRANTED AS FOLLOWS: Plaintiffs are permitted to conduct additional discovery pertaining to the matters addressed in their briefing filed in support of the Motion to Stay. This discovery shall be completed by November 7, 2008. Plaintiffs' Motion for Leave to File a Fourth Amended Complaint [34], Plaintiffs' Renewed Motion Challenging the Scope of Employment Certificate

[44]; Defendants' Motion for Summary Judgment [50]; and Defendant Marak's Motion to Dismiss [58] are STAYED pending completion of this discovery. Plaintiffs are ordered to file periodic Status Reports indicating the progress of discovery efforts and its impact, if any, on each of the pending motions listed above. The first Report shall be filed by October 15, 2008. A second Report shall be filed by October 29, 2008. A third Report shall be filed by November 7, 2008. The court will issue a final briefing schedule in this case after November 7, 2008.

IT IS SO ORDERED.

Dated this 25 day of September, 2008.

/s/ Ancer L. Haggerty  
Ancer L. Haggerty  
United States District Judge